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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,597	12/05/2003	Toshiharu Enmei	ADACHI P192USD5	8959
20210	7590	01/25/2006	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			NGUYEN, MADELEINE ANH VINH	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,597

Applicant(s)

ENMEI, TOSHIHARU

Examiner

Madeleine AV Nguyen

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 21, 23-27, 29-32 is/are rejected.
- 7) ☒ Claim(s) 22 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on November 7, 2005 with respect to claims 21-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21, 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Paajanen et al (US Patent No. 5,189,632).

Concerning claim 21, Paajanen et al discloses a portable communicator (Figs.1-3) comprising a wireless communication device (antenna) which is wirelessly connected to a communication channel; a portable computer device (personal workstation) to enter data from the communication channel through the wireless communication device and to transmit data to the communication channel through the wireless communication device (col. 4, lines 11-37); an image input device (keyboard, function keys and display screen) to input an image; a telephone device (mobile phone) which conducts transmission and reception between a telephone network and the portable communicator, wherein a body of the portable communicator equipped with the portable computer device comprises a switch (shifting part for shifting the keyboard member

Art Unit: 2626

from computer use to mobile phone use), a display unit (display screen) for showing a menu screen to command to input an image using the image input device, and a direction changing device which holds the image input device and enables the image input device to change directions in comparison with the direction of the body (Abstract; col. 1, lines 13-49; col. 2, line 15 - col. 3, line 18).

It is noted that the input device such as the display screen, keyboard, function keys can input image such as character, commands, and image received through the modem of the personal computer or stored in the computer.

Concerning claims 25-26, Paajanen et al further teaches that at least one of the devices is constituted as an individual device connected to the other device and a housing which contains the devices assembled therein (Figs.1-3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23-24, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paajanen et al as applied to claims 21, 27 above, and further in view of Braitberg et al (US Patent No. 5,479,479).

Concerning claims 23-24, Paajanen et al fails to teach a location detection device which detects an actual location of the portable communicator using global Positioning System. Braitberg et al discloses a portable communicator (Fig.15) comprising a location detection device (284) for detecting an actual location of the portable communicator using GPS (col. 14, lines 20-43). It would have been obvious to one skilled in the art at the time the invention was made to combine the above teaching of Braitberg et al to the system in Paajanen since both of them teach the same field of endeavor for practical use of locating the communicator since Paajanen teaches that the additional of other functions can also be integrated to the workstation (col. 3, line 19 – col. 4, line 3).

6. Claims 27, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paajanen et al (US Patent No. 5,189,632).

Concerning claim 27, Paajanen et al discloses a portable communicator (Figs.1-3) comprising a wireless communication device (antenna) which is wirelessly connected to a communication channel; a portable computer device (personal workstation) to enter data from the communication channel through the wireless communication device and to transmit data to the communication channel through the wireless communication device (col. 4, lines 11-37); an image input device (keyboard, function keys and display screen) to input an image; a telephone device (mobile phone) which conducts transmission and reception between a telephone network and the portable communicator, wherein a body of the portable communicator equipped with the portable computer device comprises a switch (shifting part for shifting the keyboard member from computer use to mobile phone use), a display unit (display screen) for showing a menu

screen to command to input an image using the image input device, and a direction changing device which holds the image input device and enables the image input device to change directions in comparison with the direction of the body (Abstract; col. 1, lines 13-49; col. 2, line 15 - col. 3, line 18).

It is noted that the input device such as the display screen, keyboard, function keys can input image such as character, commands, and image received through the keyboard or previously saved in the computer.

Paajanen does not directly teach that the image input device is capturing a photographic image. However, Panjanen teaches, "For data transmission by radio, the device has a built-in modem. As examples of standard equipments of the workstation of the invention can be ... a VGA graphics display, a hard disk based on fast EEPROM as well as software for data communication." (col. 3, lines 13-18). Thus, the computer system in Paajanen can receive photographic image which can be displayed on the display screen. It would have been obvious to one skilled in the art at the time the invention was made to consider the system in Paajanen has an input device which can capture a photographic image since it has functions working as a regular personal computer.

Concerning claims 31-32, Paajanen et al further teaches that at least one of the devices is constituted as an individual device connected to the other device and a housing which contains the devices assembled therein (Figs.1-3).

Allowable Subject Matter

1. Claims 22 and 28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: claims 22 and 28 are objected over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches a portable communicator in claims 21 and 27 wherein the image input device is a camera.

Conclusion

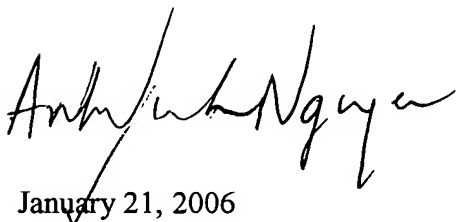
Claims 21, 23-27, 29-32 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



January 21, 2006

Madeleine AV Nguyen
Primary Examiner
Art Unit 2626